



OFFICIAL PUBLIC RECORDS

Carolyn L. Haidley

2018 Oct 03 03:54 PM Fee: \$ 198.00

2018035006

CAROLYN L. GUDRY, COUNTY CLERK  
JEFFERSON COUNTY TEXAS

\*Electronically Recorded\*

**AFTER RECORDING RETURN TO:**

Thompson & Knight LLP  
1722 Routh Street, Suite 1500  
Dallas, Texas 75201  
Attn: Mark Weibel, Esq.

**NOTICE OF CONFIDENTIALITY RIGHTS:**

**IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

## SUBSTITUTE TRUSTEE'S DEED

AND

## BILL OF SALE

(MSCI 2005-IQ9 [C-III] / Central Mall Portfolio - Port Arthur Property)

STATE OF TEXAS  
COUNTY OF JEFFERSON

## Recitals

- A. On November 22, 2004, Borrower, as maker, executed the Note.
  - B. The right to receive payments due under the Note, and the outstanding indebtedness evidenced by the Note, are secured by, among other things, the liens, security interests, terms, and provisions contained within the Security Instruments, which cover the Properties.
  - C. Pursuant to certain assignments, endorsements, and/or transfers of the Loan Documents, Noteholder is the current owner of the Loan Documents.
  - D. By the Appointment, Noteholder, pursuant to the provisions of the Port Arthur Deed of Trust, has named, constituted, and appointed the Substitute Trustees to act instead of the original or any successor trustee.
  - E. The Note matured on June 5, 2018. Accordingly, Noteholder has directed the Substitute Trustees to enforce the trust and sell the Port Arthur Property pursuant to and in accordance with the provisions of the Port Arthur Deed of Trust and the laws of the State of Texas.
  - F. Substitute Trustee (David Rusk, Esq.) did cause (i) to be posted for at least twenty-one (21) consecutive days prior to the day of the nonjudicial foreclosure sale at the Courthouse door of Jefferson County, Texas, and (ii) to be filed for at least twenty-one (21) consecutive days prior to the day of the nonjudicial foreclosure sale with the County Clerk of Jefferson County, Texas, written notice that the Port Arthur Property would be sold pursuant to the Port Arthur Deed of Trust, at public

auction to the highest bidder, at the location designated by the Commissioner's Court of Jefferson County, Texas as the location where nonjudicial foreclosure sales are to take place (or if no such location has been designated, the nonjudicial foreclosure sale would take place at the location where nonjudicial foreclosure sales in Jefferson County, Texas are typically conducted), on October 2, 2018, the first Tuesday of the month, beginning no earlier than 1:00 p.m. (Dallas, Texas time) or within three (3) hours thereafter. A true and correct copy of the Notice of Substitute Trustee's Sale is attached hereto as Exhibit "C" and incorporated herein by reference.

G. Substitute Trustee (Sam Murphy, Esq.) did cause written notice of the proposed nonjudicial foreclosure sale to be served by first class certified mail, return receipt requested, on Borrower and by first class certified mail, return receipt requested, on every other party obligated to pay the indebtedness according to the records of Noteholder, at least twenty-one (21) days preceding the date of the nonjudicial foreclosure sale, such service having been completed by deposit of the notice enclosed in a prepaid wrapper, properly addressed to each such party at the most recent address of such party as shown by the records of Noteholder in a post office or official depository under the care and custody of the United States Postal Service. The Affidavits of Preparation, Filing, Posting, and Mailing are attached hereto as Exhibit "D" and incorporated herein by reference.

H. The undersigned Substitute Trustee, on October 2, 2018 (Tuesday), at approximately 1:10 p.m. (Dallas, Texas time), pursuant to the powers contained within the Port Arthur Deed of Trust vested in Substitute Trustee, did cause the Port Arthur Property to be sold at public auction in the manner required by and as provided in and under the Port Arthur Deed of Trust and by applicable law.

I. The undersigned Substitute Trustee offered the Port Arthur Property for sale for an all-cash price; and in response to that offer, Substitute Trustee sold the Port Arthur Property to Grantee, the best and highest bidder at the nonjudicial foreclosure sale, for the Bid.

### Definitions

As used in this Substitute Trustee's Deed and Bill of Sale, the following terms shall have the following meanings:

**Appointment** means that certain Appointment of Substitute Trustees and Request to Act, dated effective as of August 31, 2018, recorded as Instrument No. 2018031156 in the Real Property Records in Jefferson County, Texas, a copy of which is attached hereto as Exhibit "B" and incorporated herein by reference.

**Bid** means the sum of \$2,000,000.00.

**Borrower** means GG&A Central Mall Partners, L.P., a Delaware limited partnership.

**Effective Date** means October 2, 2018.

**Grantee** means U.S. Bank National Association, as Trustee, successor-in-interest to Bank of America, N.A., as Trustee, successor-by-merger to LaSalle Bank National Association, as Trustee for Morgan Stanley Capital I Inc., Commercial Mortgage Pass-Through Certificates, Series 2005-IQ9

**Loan Agreement** means that certain Loan Agreement (as amended and/or modified), dated November 22, 2004, entered into by and between Borrower and Original Noteholder.

**“Loan Documents”** means the Loan Agreement, the Note, the Security Instruments, and any and all other documents executed in connection therewith or relating in any way thereto.

**“Note”** means that certain Promissory Note, dated November 22, 2004, executed by Borrower, as maker, payable to the order of Original Noteholder, as payee, in the original principal amount of \$134,500,000.00.

**“Noteholder”** means U.S. Bank National Association, as Trustee, successor-in-interest to Bank of America, N.A., as Trustee, successor-by-merger to LaSalle Bank National Association, as Trustee for Morgan Stanley Capital I Inc., Commercial Mortgage Pass-Through Certificates, Series 2005-IQ9.

**“Original Noteholder”** means IXIS Real Estate Capital Inc. (f/k/a CDC Mortgage Capital Inc.), a New York corporation.

**“Oklahoma Mortgage”** means that certain Mortgage, Assignment of Lease and Rents, and Security Agreement dated effective November 22, 2004, executed and delivered by Borrower, as mortgagor, to Original Noteholder, as beneficiary, recorded as Book 4539, Page 285 in the land records of Comanche County, Oklahoma, covering, among other things, the Oklahoma Property.

**“Oklahoma Property”** means that certain real property, personal property, and general intangibles described in the Oklahoma Mortgage.

**“Port Arthur Deed of Trust”** means that certain Deed of Trust, Assignment of Leases and Rents and Security Agreement, dated November 22, 2004, executed by Borrower, as grantor, to Ken N. Whitlow, as trustee, for benefit of Original Noteholder, as beneficiary, recorded under Clerk’s File No. 2004046122 in the Real Property Records in Jefferson County, Texas, covering among other things the Port Arthur Property.

**“Port Arthur Property”** means that certain real property, personal property, and general intangibles described in the Port Arthur Deed of Trust, the real property of which is more specifically described on Exhibit “A”, attached hereto and incorporated herein by reference.

**“Properties”** means the Oklahoma Property, the Port Arthur Property, and the Texarkana Property.

**“Security Instruments”** means the Texarkana Deed of Trust, the Port Arthur Deed of Trust, and the Oklahoma Mortgage.

**“Substitute Trustee”** means individually (as specifically identified), and **“Substitute Trustees”** means collectively, Mark Weibel, Esq., David Rusk, Esq., Manny Gardberg, Esq., and Sam Murphy, Esq., each in his or her respective capacity as substitute trustee under the Port Arthur Deed of Trust.

**“Texarkana Deed of Trust”** means that certain Deed of Trust, Assignment of Leases and Rents and Security Agreement (as amended and/or modified), dated effective November 22, 2004, executed and delivered by Borrower, as grantor, to Ken N. Whitlow, as trustee, for the benefit of Original Noteholder, as beneficiary, recorded as Volume No. 4470, Page 215 in the Real Property Records Bowie County, Texas, covering among other things the Texarkana Property.

**“Texarkana Property”** means that certain real property, personal property, and general intangibles described in the Texarkana Deed of Trust.

**Sale**

NOW, THEREFORE, in consideration of the premises and the payment of the Bid, the receipt of which is hereby acknowledged, the undersigned Substitute Trustee, by virtue of the authority vested in me under the Port Arthur Deed of Trust has GRANTED, BARGAINED, SOLD, CONVEYED, CONFIRMED, and SET OVER and by this Substitute Trustee's Deed and Bill of Sale does hereby GRANT, BARGAIN, SELL, CONVEY, CONFIRM, and SET OVER unto Grantee, and its legal representatives, successors, and assigns, the Port Arthur Property, it being expressly understood that the undersigned Substitute Trustee has made no independent investigation or inquiry concerning the same and does not hereby make any covenant, representation, or warranty concerning the same except as hereinafter provided.

TO HAVE AND TO HOLD the Port Arthur Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, its legal representatives, successors, and assigns forever. Further, this conveyance is made and accepted without covenants or warranty of any kind, either express or implied.

This Substitute Trustee's Deed and Bill of Sale covers both real property and personal property (inclusive of general intangibles), with any of said personal property which is part of the Port Arthur Property having been sold pursuant to the real property nonjudicial foreclosure sale to the maximum degree permitted by law, otherwise pursuant to Section 9.604 of the Texas Business and Commerce Code.

The address of the Grantee hereunder is:

c/o C-III Asset Management  
5221 N. O'Connor Blvd., Suite 800  
Irving, Texas 75039

*Signature Page Follows*

IN WITNESS WHEREOF, this Substitute Trustee's Deed and Bill of Sale has been executed by the undersigned Substitute Trustee in his or her capacity as substitute trustee in accordance with and under and pursuant to the provisions, powers, and authorities of the Port Arthur Deed of Trust, to be enforceable on the Effective Date.

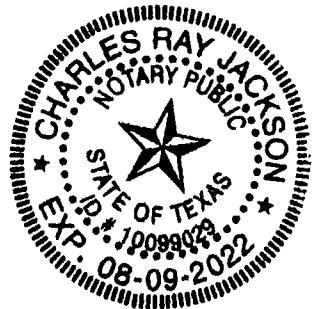
**SUBSTITUTE TRUSTEE:**

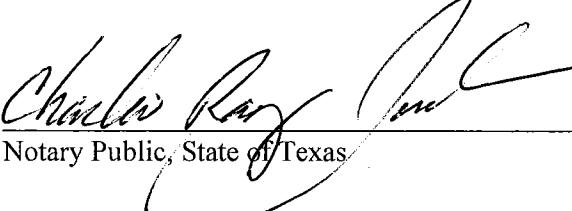
By:   
Name: Manny Gardberg, Esq.  
Title: Substitute Trustee

STATE OF TEXAS §  
§  
COUNTY OF JEFFERSON §

This instrument was acknowledged before me on October 2, 2018, by Manny Gardberg, Esq., as substitute trustee, in the capacity herein stated.

[SEAL]



  
Charles Ray Jackson  
Notary Public, State of Texas

**EXHIBIT "A"**

to that certain  
Substitute Trustee's Deed and Bill of Sale  
dated October 2, 2018

**Real Property**

[attached]

Exhibit "A"

Securitization: MSCI 2005-IQ9  
C-III Loan No.: 700201750

Borrower: GG&A Central Mall Partners, L.P.  
Property: 3100 Highway 365, Port Arthur, Texas 76642 (Central Mall Portfolio Port Arthur Property)

SUBSTITUTE TRUSTEE'S DEED AND BILL OF SALE

TRACT ONE (Mall):

Being 62.0424 acres of land out of and a part of Lots 2, 3, 4, 5, 6, & 7, Block 13, Range "T", and Lots 1, 2, 7, & 8, Block 13, Range "J", Port Arthur Land Company Subdivision, City of Port Arthur, recorded in Vol. 1, Page 22, Map Records, Jefferson County, Texas; being the same land as a (Called 71.9184) acre tract conveyed to Central Mall Joint Venture Limited Partnership, recorded in File No. 1999036599, Official Public Records of Real Property, Jefferson County, Texas; SAVE and EXCEPT a (Called 9.8978) acre tract conveyed to Target Corporation, recorded in File No. 2003041657, Official Public Records of Real Property, Jefferson County, Texas; said 62.0424 acre tract being more fully described by metes and bounds as follows, to wit:

COMMENCING at a point being the most Northerly cutback corner of the intersection of the Easterly right of way line of U.S. Highway 69, 96 & 287 and the Southerly right of way line of F.M. Highway 365; said point being the most Northerly Northwest corner of a (Called 2.0147) acre tract of land conveyed to CNR Construction, recorded in File No. 2000041705, Official Public Records of Real Property, Jefferson County, Texas;

THENCE (Called North 41 deg., 53 min., 00 sec., East), on the Southerly right of way line of said F.M. Highway 365, a distance of (Called 385.00') to a brass disc found in concrete for the POINT OF BEGINNING; said brass in concrete being the Northwest corner of the herein described tract;

THENCE North 41 deg., 52 min., 57 sec., East, (Called North 41 deg., 53 min., 00 sec., East), on the Southerly right of way line of said F.M. Highway 365, a distance of 579.06' (Called 579.00') to a brass disc found in concrete for angle point;

THENCE Ref. Line = North 41 deg., 25 min., 00 sec., East, continuing on the Southerly right of way line of said F.M. Highway 365, a distance of 662.87' (Called 662.85') to a brass disc found in concrete for angle point;

THENCE North 41 deg., 23 min., 57 sec., East, (Called North 41 deg., 22 min., 00 sec., East) continuing on the Southerly right of way line of said F.M. Highway 365, a distance of 100.04' (Called 100.00') to a brass disc found in concrete for the Northwest corner of a (Called 1.3167) acre tract of land conveyed to Joe S. Thomson, recorded in File No. 2002014932, Official Public Records of Real Property, Jefferson County, Texas; said brass disc in concrete being the Northeast corner of the herein described tract;

THENCE South 48 deg., 32 min., 56 sec., East, (Called South 48 deg., 35 min., 00 sec., East), a distance of 70.01' (Called 70.09') to a brass disc found in concrete for corner;

THENCE North 41 deg., 23 min., 58 sec., East, (Called North 41 deg., 25 min., 00 sec., East), a distance of 23.72' (Called 23.70') to a brass disc found in concrete for point of curvature to the right;

THENCE on the arc of said curve to the right having a radius of 269.95', an arc length of 345.09' (Called 345.08'), a chord bearing of North 78 deg., 01 min., 49 sec., East, (Called North 78 deg., 02 min., 17 sec., East), a chord distance of 322.06' to a brass disc found in concrete for the Southwest corner of the (Called 1.3167) acre tract;

THENCE North 28 deg., 14 min., 36 sec., East, (Called North 28 deg., 16 min., 11 sec., East), a

distance of 101.72' (Called 101.73') to a brass disc found in concrete on the Westerly right of way line of a dedicated road named Central Mall Drive; said brass disc in concrete being the Southeast corner of the (Called 1.3167) tract;

THENCE South 49 deg., 32 min., 54 sec., East, (Called South 49 deg., 30 min., 00 sec., East) on the Westerly right of way line of said Central Mall Drive, a distance of 68.53' (Called 68.50') to a brass disc found in concrete for point of curvature to the left;

THENCE continuing on the Westerly right of way line of said Central Mall Drive on the arc of said curve to the left having a radius of 735.00', an arc length of 401.49' (Called 401.44'), a chord bearing of South 65 deg., 10 min., 12 sec., East, (Called South 65 deg., 08 min., 46 sec., East), a chord distance of 396.52' to a brass disc found in concrete for point of tangency;

THENCE South 80 deg., 47 min., 40 sec., East, (Called South 80 deg., 47 min., 37 sec., East), continuing on the Westerly right of way line of said Central Mall Drive, a distance of 49.98' (Called 50.00') to a brass disc found in concrete for point of curvature to the right;

THENCE continuing on the Westerly right of way line of said Central Mall Drive on the arc of said curve to the right having a radius of 555.00', an arc length of 29.45' (Called 29.46'), a chord bearing of South 79 deg., 13 min., 20 sec., East, (Called South 79 deg., 16 min., 23 sec., East), a chord distance of 29.44' to a brass disc found in concrete for the Northeast corner of a (Called 1.0675) acre tract of land conveyed to CM Outparcels, LTD, recorded in File No. 2002006052, Official Public Records of Real Property, Jefferson County, Texas;

THENCE South 12 deg., 14 min., 58 sec., West, (Called South 12 deg., 14 min., 51 sec., West), a distance of 90.94' (Called 90.89') to a brass disc found in concrete for the Northwest corner of the (Called 1.0675) acre tract and being a point of curvature to the right;

THENCE on the arc of said curve to the right having a radius of 97.50', an arc length of 238.80' (Called 238.82'), a chord bearing of South 34 deg., 50 min., 47 sec., East, (Called South 34 deg., 49 min., 52 sec., East), a chord distance of 236.52' to a brass disc found in concrete for the Southwest corner of the (Called 1.0675) acre tract;

THENCE North 71 deg., 20 min., 05 sec., East, (Called North 71 deg., 20 min., 25 sec., East), a distance of 15.52' to a PK nail found in the asphalt for point of curvature to the left;

THENCE on the arc of said curve to the left having a radius of 555.94', an arc length of 190.86' (Called 190.82'), a chord bearing of North 61 deg., 29 min., 59 sec., East, (Called North 61 deg., 30 min., 25 sec., East) a chord distance of 189.92' to a brass disc found in concrete for point of tangency;

THENCE North 51 deg., 49 min., 08 sec., East, (Called North 51 deg., 40 min., 25 sec., East), a distance of 8.83' (Called 8.81') to a brass disc found in concrete on the arc of a curve to the right on the Westerly right of way line of said Central Mall Drive; said brass disc in concrete being the Southeast corner of the (Called 1.0675) acre tract;

THENCE on the Westerly right of way line of said Central Mall Drive on the arc of said curve to the right having a radius of 555.00', an arc length of 21.00' (Called 21.01'), a chord bearing of South 39

deg., 24 min., 41 sec., East, (Called South 39 deg., 24 min., 38 sec., East), a chord distance of 21.00' to a PK nail found in asphalt for point of curvature to the right;

THENCE continuing on the Westerly right of way line of said Central Mall Drive on the arc of said curve to the right having a radius of 750.00', an arc length of 21.00', a chord bearing of South 37 deg., 32 min., 36 sec., East, (Called South 37 deg., 31 min., 27 sec., East), a chord distance of 21.00' to an "X" mark found in concrete for the Northeast corner of a tract of land conveyed to Mickey Phelan B. Land LP, recorded in File No. 2001000212, Official Public Records of Real Property, Jefferson County, Texas;

THENCE South 51 deg., 40 min., 25 sec., West, a distance of 80.19' to a brass disc found in concrete for point of curvature to the right;

THENCE on the arc of said curve to the right having a radius of 597.94', an arc length of 205.24', a chord bearing of South 61 deg., 28 min., 59 sec., West, (Called South 61 deg., 30 min., 25 sec., West), a chord distance of 204.23' to a brass disc found in concrete for point of tangency;

THENCE South 71 deg., 22 min., 29 sec., West (Called South 71 deg., 20 min., 25 sec., West), a distance of 15.55' (Called 15.52') to a brass disc found in concrete on the arc of a curve to the right; said brass disc in concrete being the Northwest corner of said Mickey Phelan B. Land LP tract;

THENCE on the arc of said curve to the right having a radius of 497.50', an arc length of 109.85' (Called 109.90'), a chord bearing of South 09 deg., 53 min., 31 sec., East, (Called South 09 deg., 54 min., 43 sec., East), a chord distance of 109.63' to a brass disc found in concrete for point of curvature to the right;

THENCE on the arc of said curve to the right having a radius of 370.63', an arc length of 291.04' (Called 291.09'), a chord bearing of South 18 deg., 55 min., 24 sec., West, (Called South 18 deg., 55 min., 00 sec., West), a chord distance of 283.62' to a brass disc found in concrete for point of tangency;

THENCE South 41 deg., 23 min., 53 sec., West, (Called South 41 deg., 25 min., 00 sec., West), a distance of 581.60' (Called 581.51') to a brass disc found in concrete for the Northwest corner of a (Called 4.869) acre tract conveyed to South Jeff Trust, recorded in Film Code 104-10-0464, Official Public Record of Real Property, Jefferson County, Texas;

THENCE South 48 deg., 36 min., 42 sec., East, (Called South 48 deg., 35 min., 00 sec., East) on the West line of the (Called 4.869) acre tract, a distance of 461.07' (Called 461.05') to a brass disc found in concrete on the North right of way line of said Central Mall Drive; said brass disc in concrete being the Southwest corner of the (Called 4.869) acre tract and the most Southerly Southeast corner of the herein described tract;

THENCE South 40 deg., 52 min., 14 sec., West, (Called South 40 deg., 53 min., 36 sec., West), on the North right of way line of said Central Mall Drive, a distance of 932.26' to an "X" mark found in concrete for the most Southerly Southeast corner of a (Called 9.8978) acre tract of land conveyed to Target Corporation, recorded in File No. 2003041657, Official Public Records of Real Property, Jefferson County, Texas; said "X" mark set in concrete being a point of curvature to the right;

THENCE on the arc of said curve to the right having a radius of 144.85', an arc length of 135.66', a chord bearing of North 22 deg., 25 min., 48 sec., West, a chord distance of 130.76' to a  $\frac{1}{2}$ " steel rod, capped and marked "SOUTEX", found for point of curvature to the left;

THENCE on the arc of said curve to the left having a radius of 81.50', an arc length of 76.14', a chord bearing of North 22 deg., 20 min., 42 sec., West, a chord distance of 73.40' to a  $\frac{1}{2}$ " steel rod, capped and marked "SOUTEX", found for point of tangency;

THENCE North 49 deg., 06 min., 24 sec., West, a distance of 25.56' to an "X" mark found in concrete for corner;

THENCE North 40 deg., 53 min., 36 sec., East, a distance of 571.56' to an "X" mark found in concrete for the most Easterly Southeast corner of the (Called 9.8978) acre tract;

THENCE North 48 deg., 35 min., 00 sec., West, a distance of 619.42' to a point for corner being the Northeast corner of the (Called 9.8978) acre tract;

THENCE South 41 deg., 25 min., 00 sec., West, a distance of 374.35' to a point for corner;

THENCE South 48 deg., 35 min., 00 sec., East, a distance of 164.80' to an "X" mark found in concrete for corner;

THENCE South 03 deg., 35 min., 00 sec., West, a distance of 120.43' to an "X" mark found in concrete for corner;

THENCE North 86 deg., 25 min., 00 sec., West, a distance of 138.96' to an "X" mark found in concrete for corner;

THENCE South 41 deg., 25 min., 00 sec., West, a distance of 81.59' to an "X" mark found in concrete for corner;

THENCE South 03 deg., 35 min., 00 sec., West, a distance of 327.38' to a  $\frac{1}{2}$ " steel rod, capped and marked "SOUTEX", found on the Northeasterly line of a (Called 4.503) acre tract conveyed to South Jeff Trust, recorded in Film Code 104-10-0464, Official Public Records of Real Property, Jefferson County, Texas; said  $\frac{1}{2}$ " steel rod being the most Westerly corner of the (Called 9.8978) acre tract;

THENCE North 85 deg., 36 min., 03 sec., West, (Called North 85 deg., 35 min., 00 sec., West), on the Northeasterly line of the (Called 4.503) acre tract, a distance of 133.88' to a brass disc found in concrete for point of curvature to the right; said brass disc in concrete being the Northeast corner of the (Called 4.503) acre tract;

THENCE on the arc of said curve to the right having a radius of 201.37', an arc length of 129.59' (Called 129.88'), a chord bearing of South 22 deg., 50 min., 30 sec., West, (Called South 22 deg., 53 min., 35 sec., West), a chord distance of 127.36' to a brass disc found in concrete on the Easterly right of way line of said U.S. Highway 69, 96 & 287; said brass disc in concrete being the Northwest corner of the (Called 4.503) acre tract and the most Westerly Southwest corner of the herein described tract;

THENCE North 49 deg., 06 min., 10 sec., West, (Called North 48 deg., 37 min., 49sec., West), on the Easterly right of way line of said U.S. Highway 69, 96 & 287, a distance of 36.97' (Called 37.00') to a brass disc found in concrete for corner;

THENCE North 45 deg., 38 min., 48 sec., West, (Called North 45 deg., 39 min., 15 sec., West), continuing on the Easterly right of way line of said U.S. Highway 69, 96 & 287, a distance of 389.92' (Called 389.34') to a brass disc found in concrete for corner;

THENCE North 46 deg., 31 min., 11 sec., West, (Called North 46 deg., 31 min., 00 sec., West), continuing on the Easterly right of way line of said U.S. Highway 69, 96 & 287, a distance of 182.70' to a brass disc found in concrete for the Southwest corner of the (Called 2.0147) acre tract;

THENCE North 34 deg., 09 min., 14 sec., West, (Called North 34 deg., 07 min., 06 sec., West), a distance of 28.07 (Called 28.05') to a brass disc found in concrete for point of curvature to the right;

THENCE on the arc of said curve to the right having a radius of 221.00', an arc length of 133.22' (Called 133.21'), a chord bearing of North 16 deg., 51 min., 00 sec., West, (Called North 16 deg., 51 min., 03 sec., West), a chord distance of 131.21' to a brass disc found in concrete for point of tangency;

THENCE North 00 deg., 24 min., 49 sec., East, (Called North 00 deg., 25 min., 00 sec., East), a distance of 423.82' (Called 423.83') to a brass disc found in concrete for point of curvature to the right;

THENCE on the arc of said curve to the right having a radius of 261.00', an arc length of 149.68' (Called 149.64') a chord bearing of North 16 deg., 51 min., 52 sec., East, (Called North 16 deg., 50 min., 30 sec., East), a chord distance of 147.64' to a brass disc found in concrete for point of tangency;

THENCE North 48 deg., 37 min., 39 sec., West, (Called North 48 deg., 35 min., 00 sec., West), a distance of 77.34' (Called 77.35') to the POINT OF BEGINNING and containing 62.0424 acres of land, more or less.

**TRACT TWO (easement estate):**

Being 92.5824 (Called 92.5666) acres of land out of and a part of Lots 2, 3, 4, 5, 6, and 7, Block 13, Range "T", and Lots 1, 2, 7, and 8, Block 13, Range "J", Port Arthur Land Company Subdivision, City of Port Arthur, recorded in Volume 1, Page 22, Map Records, Jefferson County, Texas; SAVE and EXCEPT a (Called 9.8978) acre tract conveyed to Target Corporation, recorded in File No. 2003041657, Official Public Records of Real Property, Jefferson County, Texas; said 92.5824 acre tract being more fully described by metes and bounds as follows, to wit:

BEGINNING at a point for corner being the most Northerly cutback corner of the intersection of the Easterly right of way line of US Highway 69, 96 & 287 and the Southerly right of way line of F.M. Highway 365; said point being the most Northerly Northwest corner of a (Called 2.0147) acre tract of land conveyed to CNR Construction, recorded in File No. 2000041705, Official Public Records of Real Property, Jefferson County, Texas;

THENCE North 41 deg., 53 min., 00 sec., East, on the Southerly right of way line of said F.M.

Highway 365, a distance of 385.00' passing a brass disc found in concrete; continuing for a total distance of 964.06' (Called 964.00') to a brass disc found in concrete for corner;

THENCE North 41 deg., 25 min., 00 sec., East, continuing on the Southerly right of way line of said F.M. Highway 365, a distance of 662.87' (Called 662.85') to a brass disc found in concrete for corner;

THENCE North 41 deg., 23 min., 57 sec., East (Called North 41 deg., 25 min., 00 sec., East), continuing on the Southerly right of way line of said F.M. Highway 365, a distance of 100.04' passing a brass disc found in concrete for the Northwest corner of a tract of land conveyed to Joe F. Thomson, (Called 1.3167) acre tract, recorded in File No. 2002014932, Official Public Records of Real Property, Jefferson County, Texas; continuing for a total distance of 447.42' to a point for corner being the intersection of the Southerly right of way line of said F.M. Highway 365 and the Westerly right of way line of a dedicated road named Central Mall Drive; said point for corner being the Northeast corner of the (Called 1.3167) acre tract and the Northeast corner of the herein described tract;

THENCE South 49 deg., 30 min., 00 sec., East, on the Westerly right of way line of said Central Mall Drive, a distance of 239.26' to a brass disc found in concrete for the Southeast corner of the (Called 1.3167) acre tract;

THENCE South 49 deg., 32 min., 54 sec., East (Called South 49 deg., 30 min., 00 sec., East), continuing on the Westerly right of way line of said Central Mall Drive, a distance of 68.53' to a brass disc found in concrete for corner;

THENCE continuing on the Westerly right of way line of said Central Mall Drive, on the arc of a curve to the left having a radius of 735.00', an arc length of 401.49', a chord bearing of South 65 deg., 10 min., 12 sec., East (Called South 65 deg., 08 min., 46 sec., East), a chord distance of 396.52' to a brass disc found in concrete for corner;

THENCE South 80 deg., 47 min., 40 sec., East (Called South 80 deg., 47 min., 37 sec., East), continuing on the Westerly right of way line of said Central Mall Drive, a distance of 49.98' (Called 50.00'), to a brass disc found in concrete for corner;

THENCE continuing on the Westerly right of way line of said Central Mall Drive, on the arc of a curve to the right having a radius of 555.00', an arc length of 29.45', a chord bearing of South 79 deg., 13 min., 20 sec., East, a chord distance of 29.44' to a brass disc found in concrete for corner;

THENCE continuing on the Westerly right of way line of said Central Mall Drive, on the arc of said curve to the right having a radius of 555.00', an arc length of 360.95', a chord bearing of South 59 deg., 08 min., 05 sec., East, a chord distance of 354.62' to a brass disc found in concrete for corner;

THENCE continuing on the Westerly right of way line of said Central Mall Drive, on the arc of said curve to the right having a radius of 555.00', an arc length of 21.00', a chord bearing of South 39 deg., 24 min., 41 sec., East, a chord distance of 21.00' to a P.K. nail found in asphalt for corner;

THENCE continuing on the Westerly right of way line of said Central Mall Drive, on the arc of a curve to the right having a radius of 750.00', an arc length of 21.00', a chord bearing of South 37 deg., 32 min., 36 sec., East, a chord distance of 21.00' to an "X" mark found in concrete for corner;

THENCE continuing on the Westerly right of way line of said Central Mall Drive, on the arc of said curve to the right having a radius of 750.00', an arc length of 632.12', a chord bearing of South 12 deg., 33 min., 11 sec., East, a chord distance of 613.58' to a point for corner;

THENCE continuing on the Westerly right of way line of said Central Mall Drive, on the arc of a curve to the right having a radius of 565.00', an arc length of 289.20', a chord bearing of South 26 deg., 12 min., 24 sec., West, a chord distance of 286.06' to a point for corner being the intersection of the Westerly and North right of way lines of said Central Mall Drive;

THENCE South 40 deg., 52 min., 14 sec., West (Called South 40 deg., 53 min., 36 sec., West), on the North right of way line of said Central Mall Drive, a distance of 489.10' to a brass disc found in concrete for the Southwest corner of a (Called 4.869) acre tract conveyed to South Jeff Trust, recorded in Film Code 104-10-0464, Official Public Records of Real Property, Jefferson County, Texas;

THENCE South 40 deg., 52 min., 14 sec., West (Called South 40 deg., 53 min., 36 sec., West), continuing on the North right of way line of said Central Mall Drive, a distance of 932.26' to an "X" mark found in concrete for corner;

THENCE South 40 deg., 52 min., 14 sec., West (Called South 40 deg., 53 min., 36 sec., West), continuing on the North right of way line of said Central Mall Drive, a distance of 424.45' to a 5/8" steel rod with an aluminum cap found for corner; being an angle point in the South line of a (Called 4.503) acre tract conveyed to South Jeff Trust, recorded in Film Code No. 104-10-0464, Official Public Records of Real Property, Jefferson County, Texas;

THENCE South 86 deg., 07 min., 53 sec., West, continuing on the North right of way line of said Central Mall Drive, a distance of 14.08' to a point for corner being the intersection of the North right of way line of said Central Mall Drive and the Easterly right of way line of said US Highway 69, 96 & 287;

THENCE North 48 deg., 37 min., 11 sec., West (Called North 48 deg., 37 min., 49 sec., West), on the Easterly right of way line of said US Highway 69, 96 & 287, same being the West line of the (Called 4.503) acre tract, a distance of 564.15' to a brass disc found in concrete for the Northwest corner of the (Called 4.503) acre tract;

THENCE North 49 deg., 06 min., 10 sec., West (Called North 48 deg., 37 min., 49 sec., West), continuing on the Easterly right of way line of said US Highway 69, 96 & 287, a distance of 36.97' to a brass disc found in concrete for corner;

THENCE North 45 deg., 38 min., 48 sec., West (Called North 45 deg., 39 min., 15 sec., West), continuing on the Easterly right of way line of said US Highway 69, 96 & 287, a distance of 389.92' (Called 389.34') to a brass disc found in concrete for corner;

THENCE North 46 deg., 31 min., 11 sec., West (Called North 46 deg., 31 min., 00 sec., West), continuing on the Easterly right of way line of said US Highway 69, 96 & 287, a distance of 182.70' to a brass disc found in concrete for the most Southerly corner of said CNR Construction Company tract;

THENCE North 50 deg., 23 min., 00 sec., West, continuing on the Easterly right of way line of said US Highway 69, 96 & 287, same being the Westerly line of said CNR Construction Company tract, a distance of 389.91' to a point for corner being the most Westerly corner of said CNR Construction Company tract;

THENCE North 05 deg., 37 min., 21 sec., West (Called North 05 deg., 37 min., 00 sec., West), continuing on the Easterly right of way line of said US Highway 69, 96 & 287, a distance of 230.90' to the POINT OF BEGINNING and containing 92.5824 (Called 92.5666) acres of land, more or less.

**EXHIBIT "B"**

to that certain  
Substitute Trustee's Deed and Bill of Sale  
dated October 2, 2018

Appointment

[attached]

Exhibit "B"

Securitization: MSCI 2005-IQ9  
C-III Loan No.: 700201750

Borrower: GG&A Central Mall Partners, L.P.  
Property: 3100 Highway 365, Port Arthur, Texas 76642 (Central Mall Portfolio Port Arthur Property)

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS



*Caryn L Guidry*

2018 Aug 31 02:59 PM Fee: \$ 70.00

2018031156

CAROLYN L. GUIDRY, COUNTY CLERK  
JEFFERSON COUNTY TEXAS

\*Electronically Recorded\*

**AFTER RECORDING RETURN TO:**

Thompson & Knight LLP  
1722 Routh Street, Suite 1500  
Dallas, Texas 75201  
Attention: Mark Weibel, Esq.

APPOINTMENT OF SUBSTITUTE TRUSTEES  
AND  
REQUEST TO ACT  
(MSCI 2005-IQ9 / Central Mall Portfolio [Port Arthur, TX])

August 31, 2018 (the "Effective Date")

STATE OF TEXAS                   §  
                                         §  
COUNTY OF JEFFERSON           §

**Recitals**

A. On November 22, 2004, Borrower,<sup>1</sup> as maker, executed the Note.<sup>2</sup>

B. The right to receive payments due under the Note, and the outstanding indebtedness evidenced by the Note, are secured by, among other things, the liens, security interests, terms, and provisions contained within the Loan Documents.<sup>3</sup> The Deed of Trust covers the Property,<sup>4</sup> the real property of which being more specifically described on Exhibit "A", attached hereto and incorporated herein by reference.

<sup>1</sup> "Borrower" means GG&A Central Mall Partners, L.P., a Delaware limited partnership.

<sup>2</sup> "Note" means that certain Promissory Note, dated November 22, 2004, executed by Borrower, as maker, payable to the order of Original Notcholder (defined below), as payee, in the original principal amount of \$134,500,000.00.

<sup>3</sup> "Original Notcholder" means IXIS Real Estate Capital Inc. (f/k/a CDC Mortgage Capital Inc.), a New York corporation.

<sup>4</sup> "Loan Documents" means the Loan Agreement (defined below), the Note, the Security Instruments (defined below), and any and all other documents executed in connection therewith or relating in any way thereto.

<sup>5</sup> "Loan Agreement" means that certain Loan Agreement, dated November 22, 2004, entered into by and between Borrower and Original Notcholder.

<sup>6</sup> "Security Instruments" means, collectively, that certain Mortgage, Assignment of Leases and Rents and Security Agreement, dated effective November 22, 2004, executed and delivered by Borrower, as mortgagor, to Original Notcholder, as beneficiary, recorded as Book 4539 at Page 285 in the land records of Comanche County, Oklahoma; that certain Deed of Trust, Assignment of Leases and Rents and Security Agreement, dated effective November 22, 2004, executed and delivered by Borrower, as grantor to Ken N. Whitlow, as trustee for the benefit of Original Notcholder, as beneficiary, recorded as Volume 4470, Page 215 in the Real Property Records in Bowie County, Texas; and the Deed of Trust (defined below).

<sup>7</sup> "Deed of Trust" means, that certain Deed of Trust, Assignment of Leases and Rents and Security Agreement, dated effective November 22, 2004, executed and delivered by Borrower, as grantor, to Ken N. Whitlow, as trustee, for the benefit of Original Notcholder, as beneficiary, recorded as Clerk's File No. 2004046122 in the Real Property Records in Jefferson County, Texas.

<sup>8</sup> "Property" means that certain real property, personal property, and general intangibles described in the Deed of Trust and also commonly known as 3100 Highway 365, Port Arthur, Texas 77642 (Port Arthur Property).

C. Pursuant to certain endorsements, assignments, and/or transfers of the Loan Documents, Noteholder<sup>5</sup> is the current owner of the Loan Documents.

D. Pursuant to Sections 29 and 30 of the Deed of Trust and Section 51.0075 of the Texas Property Code,<sup>6</sup> the beneficiary under the Deed of Trust is authorized to appoint a substitute trustee and/or trustees who shall succeed to all the title, powers, and duties of the trustee originally named under the Deed of Trust.

E. Noteholder desires to appoint substitute trustees, each as a substitute trustee to act instead of the trustee named in the Deed of Trust and any other successor trustee who may have been appointed from time to time, as the successor trustee under the Deed of Trust.

#### Appointment

NOW, THEREFORE, in consideration of the premises, Noteholder, as the current owner of the Loan Documents, and pursuant to Section 51.0075 of the Texas Property Code, does hereby (A) remove Ken N. Whitlow, original trustee, and any other successor trustee who may have been appointed from time to time, as the original trustee or successor trustee under the Deed of Trust, and (B) name, constitute and appoint the Substitute Trustees,<sup>7</sup> each as a successor trustee, under and pursuant to the provisions of the Deed of Trust. Noteholder further does hereby request that any one (1) of the Substitute Trustees sell the Property in accordance with the terms and provisions contained within the Deed of Trust and the laws of the State of Texas.

*[signature page follows]*

<sup>5</sup> “Noteholder” means U.S. Bank National Association, as Trustee, successor-in-interest to Bank of America, N.A., as Trustee, successor-by-merger to LaSalle Bank National Association, as Trustee for Morgan Stanley Capital I Inc., Commercial Mortgage Pass-Through Certificates, Series 2005-IQ9, acting by and through the Special Servicer (defined below).

“Special Servicer” means C-III Asset Management LLC, a Delaware limited liability company, not individually but solely in its authorized capacity as special servicer pursuant to that certain Pooling and Servicing Agreement, dated February 1, 2005.

<sup>6</sup> Section 51.0075 of the Texas Property Code provides that a mortgagor may appoint or may authorize a mortgage servicer to appoint a substitute trustee or substitute trustees to succeed to all the title, powers, and duties of trustee under the Deed of Trust.

<sup>7</sup> “Substitute Trustees” means each of the following:

Mark Weibel, Esq., of Dallas County, Texas, Thompson & Knight LLP, 1722 Routh Street, Suite 1500, Dallas, Texas 75201, (214) 969-1111 (telephone), (214) 969-9221 (telecopy), [Mark.Weibel@tklaw.com](mailto:Mark.Weibel@tklaw.com) (email).

David Rusk, Esq., of Harris County, Texas, Thompson & Knight LLP, 811 Main St., Suite 2500, Houston, Texas 77002, (713) 217-2891 (telephone), (832) 397-8131 (telecopy), [David.Rusk@tklaw.com](mailto:David.Rusk@tklaw.com) (email).

Sam Murphy, Esq., of Dallas County, Texas, Thompson & Knight LLP, 1722 Routh Street, Suite 1500, Dallas, Texas 75201, (214) 969-2523 (telephone), (214) 880-3298 (telecopy), [Sam.Murphy@tklaw.com](mailto:Sam.Murphy@tklaw.com) (email).

Manny Gardberg, Esq., of Harris County, Texas, Thompson & Knight LLP, 811 Main St., Suite 2500, Houston, Texas 77002, (713) 653-8615 (telephone), (832) 397-8095 (telecopy), [Manny.Gardberg@tklaw.com](mailto:Manny.Gardberg@tklaw.com) (email).

IN WITNESS WHEREOF, this Appointment of Substitute Trustees and Request to Act has been executed to be enforceable on the Effective Date.

**NOTEHOLDER:**

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR-IN-INTEREST TO BANK OF AMERICA, N.A., AS TRUSTEE, SUCCESSOR-BY-MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR MORGAN STANLEY CAPITAL I INC., COMMERCIAL MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-IQ9

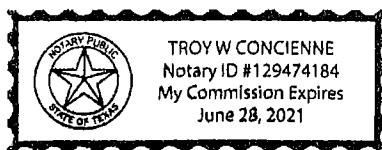
By: C-III Asset Management LLC, a Delaware limited liability company, not individually but solely in its authorized capacity as special servicer pursuant to that certain Pooling and Servicing Agreement, dated February 1, 2005

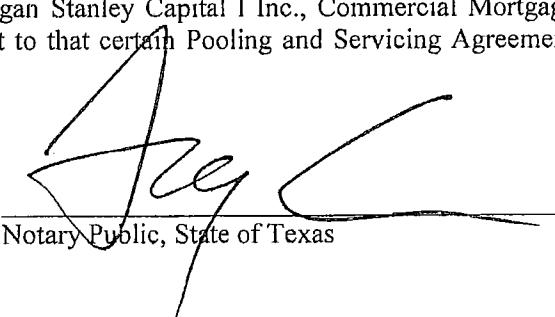
By: Francis B. Casanova, II  
Name: FRANCIS B CASANOVA, II  
Title: Servicing Officer

STATE OF TEXAS §  
§  
COUNTY OF DALLAS §

This instrument was acknowledged before me on August 30, 2018, by Francis B. Casanova, II, as Servicing Officer of C-III Asset Management LLC, a Delaware limited liability company, not individually but solely in its authorized capacity as special servicer for U.S. Bank National Association, as Trustee, successor-in-interest to Bank of America, N.A., as Trustee, successor-by-merger to LaSalle Bank National Association, as Trustee for Morgan Stanley Capital I Inc., Commercial Mortgage Pass-Through Certificates, Series 2005-IQ9, pursuant to that certain Pooling and Servicing Agreement dated February 1, 2005.

[SEAL]



  
Notary Public, State of Texas

**EXHIBIT "A"**

to  
Appointment of Substitute Trustees and Request to Act

Real Property

[attached]

EXHIBIT "A"

Securitization: MSCI 2005-IQ9

C-III Loan No.: 700201750

Borrower: GG&A Central Mall Partners, L.P.

Property: 3100 Highway 365, Port Arthur, Texas 77642 (Central Mall Portfolio – Port Arthur, TX)

APPOINTMENT OF SUBSTITUTE TRUSTEES AND REQUEST TO ACT

**TRACT ONE (Mall):**

Being 62.0424 acres of land out of and a part of Lots 2, 3, 4, 5, 6, & 7, Block 13, Range "T", and Lots 1,2,7,& 8, Block 13, Range "J", Port Arthur Land Company Subdivision, City of Port Arthur, recorded in Vol. 1, Page 22, Map Records, Jefferson County, Texas; being the same land as a (Called 71.9184) acre tract conveyed to Central Mall Joint Venture Limited Partnership, recorded in File No. 1999036599, Official Public Records of Real Property, Jefferson County, Texas; SAVE and EXCEPT a (Called 9.8978) acre tract conveyed to Target Corporation, recorded in File No. 2003041657, Official Public Records of Real Property, Jefferson County, Texas; said 62.0424 acre tract being more fully described by metes and bounds as follows, to wit:

COMMENCING at a point being the most Northerly cutback corner of the intersection of the Easterly right of way line of U.S. Highway 69, 96 & 287 and the Southerly right of way line of F.M. Highway 365; said point being the most Northerly Northwest corner of a (Called 2.0147) acre tract of land conveyed to CNR Construction, recorded in File No. 2000041705, Official Public Records of Real Property, Jefferson County, Texas;

THENCE (Called North 41 deg., 53 min., 00 sec., East), on the Southerly right of way line of said F.M. Highway 365, a distance of (Called 385.00') to a brass disc found in concrete for the POINT OF BEGINNING; said brass in concrete being the Northwest corner of the herein described tract;

THENCE North 41 deg., 52 min., 57 sec., East, (Called North 41 deg., 53 min., 00 sec., East), on the Southerly right of way line of said F.M. Highway 365, a distance of 579.06' (Called 579.00') to a brass disc found in concrete for angle point;

THENCE Ref. Line = North 41 deg., 25 min., 00 sec., East, continuing on the Southerly right of way line of said F.M. Highway 365, a distance of 662.87' (Called 662.85') to a brass disc found in concrete for angle point;

THENCE North 41 deg., 23 min., 57 sec., East, (Called North 41 deg., 22 min., 00 sec., East) continuing on the Southerly right of way line of said F.M. Highway 365, a distance of 100.04' (Called 100.00') to a brass disc found in concrete for the Northwest corner of a (Called 1.3167) acre tract of land conveyed to Joe S. Thomson, recorded in File No. 2002014932, Official Public Records of Real Property, Jefferson County, Texas; said brass disc in concrete being the Northeast corner of the herein described tract;

THENCE South 48 deg., 32 min., 56 sec., East, (Called South 48 deg., 35 min., 00 sec., East), a distance of 70.01' (Called 70.09') to a brass disc found in concrete for corner;

THENCE North 41 deg., 23 min., 58 sec., East, (Called North 41 deg., 25 min., 00 sec., East), a distance of 23.72' (Called 23.70') to a brass disc found in concrete for point of curvature to the right;

THENCE on the arc of said curve to the right having a radius of 269.95', an arc length of 345.09' (Called 345.08'), a chord bearing of North 78 deg., 01 min., 49 sec., East, (Called North 78 deg., 02 min., 17 sec., East), a chord distance of 322.06' to a brass disc found in concrete for the Southwest corner of the (Called 1.3167) acre tract;

THENCE North 28 deg., 14 min., 36 sec., East, (Called North 28 deg., 16 min., 11 sec., East), a

distance of 101.72' (Called 101.73') to a brass disc found in concrete on the Westerly right of way line of a dedicated road named Central Mall Drive; said brass disc in concrete being the Southeast corner of the (Called 1.3167) tract;

THENCE South 49 deg., 32 min., 54 sec., East, (Called South 49 deg., 30 min., 00 sec., East) on the Westerly right of way line of said Central Mall Drive, a distance of 68.53' (Called 68.50') to a brass disc found in concrete for point of curvature to the left;

THENCE continuing on the Westerly right of way line of said Central Mall Drive on the arc of said curve to the left having a radius of 735.00', an arc length of 401.49' (Called 401.44'), a chord bearing of South 65 deg., 10 min., 12 sec., East, (Called South 65 deg., 08 min., 46 sec., East), a chord distance of 396.52' to a brass disc found in concrete for point of tangency;

THENCE South 80 deg., 47 min., 40 sec., East, (Called South 80 deg., 47 min., 37 sec., East), continuing on the Westerly right of way line of said Central Mall Drive, a distance of 49.98' (Called 50.00') to a brass disc found in concrete for point of curvature to the right;

THENCE continuing on the Westerly right of way line of said Central Mall Drive on the arc of said curve to the right having a radius of 555.00', an arc length of 29.45' (Called 29.46'), a chord bearing of South 79 deg., 13 min., 20 sec., East, (Called South 79 deg., 16 min., 23 sec., East), a chord distance of 29.44' to a brass disc found in concrete for the Northeast corner of a (Called 1.0675) acre tract of land conveyed to CM Outparcels, LTD, recorded in File No. 2002006052, Official Public Records of Real Property, Jefferson County, Texas;

THENCE South 12 deg., 14 min., 58 sec., West, (Called South 12 deg., 14 min., 51 sec., West), a distance of 90.94' (Called 90.89') to a brass disc found in concrete for the Northwest corner of the (Called 1.0675) acre tract and being a point of curvature to the right;

THENCE on the arc of said curve to the right having a radius of 97.50', an arc length of 238.80' (Called 238.82'), a chord bearing of South 34 deg., 50 min., 47 sec., East, (Called South 34 deg., 49 min., 52 sec., East), a chord distance of 236.52' to a brass disc found in concrete for the Southwest corner of the (Called 1.0675) acre tract;

THENCE North 71 deg., 20 min., 05 sec., East, (Called North 71 deg., 20 min., 25 sec., East), a distance of 15.52' to a PK nail found in the asphalt for point of curvature to the left;

THENCE on the arc of said curve to the left having a radius of 555.94', an arc length of 190.86' (Called 190.82'), a chord bearing of North 61 deg., 29 min., 59 sec., East, (Called North 61 deg., 30 min., 25 sec., East) a chord distance of 189.92' to a brass disc found in concrete for point of tangency;

THENCE North 51 deg., 49 min., 08 sec., East, (Called North 51 deg., 40 min., 25 sec., East), a distance of 8.83' (Called 8.81') to a brass disc found in concrete on the arc of a curve to the right on the Westerly right of way line of said Central Mall Drive; said brass disc in concrete being the Southeast corner of the (Called 1.0675) acre tract;

THENCE on the Westerly right of way line of said Central Mall Drive on the arc of said curve to the right having a radius of 555.00', an arc length of 21.00' (Called 21.01'), a chord bearing of South 39

deg., 24 min., 41 sec., East, (Called South 39 deg., 24 min., 38 sec., East), a chord distance of 21.00' to a PK nail found in asphalt for point of curvature to the right;

THENCE continuing on the Westerly right of way line of said Central Mall Drive on the arc of said curve to the right having a radius of 750.00', an arc length of 21.00', a chord bearing of South 37 deg., 32 min., 36 sec., East, (Called South 37 deg., 31 min., 27 sec., East), a chord distance of 21.00' to an "X" mark found in concrete for the Northeast corner of a tract of land conveyed to Mickey Phelan B. Land LP, recorded in File No. 2001000212, Official Public Records of Real Property, Jefferson County, Texas;

THENCE South 51 deg., 40 min., 25 sec., West, a distance of 80.19' to a brass disc found in concrete for point of curvature to the right;

THENCE on the arc of said curve to the right having a radius of 597.94', an arc length of 205.24', a chord bearing of South 61 deg., 28 min., 59 sec., West, (Called South 61 deg., 30 min., 25 sec., West), a chord distance of 204.23' to a brass disc found in concrete for point of tangency;

THENCE South 71 deg., 22 min., 29 sec., West (Called South 71 deg., 20 min., 25 sec., West), a distance of 15.55' (Called 15.52') to a brass disc found in concrete on the arc of a curve to the right; said brass disc in concrete being the Northwest corner of said Mickey Phelan B. Land LP tract;

THENCE on the arc of said curve to the right having a radius of 497.50'; an arc length of 109.85' (Called 109.90'), a chord bearing of South 09 deg., 53 min., 31 sec., East, (Called South 09 deg., 54 min., 43 sec., East), a chord distance of 109.63' to a brass disc found in concrete for point of curvature to the right;

THENCE on the arc of said curve to the right having a radius of 370.63', an arc length of 291.04' (Called 291.09'), a chord bearing of South 18 deg., 55 min., 24 sec., West, (Called South 18 deg., 55 min., 00 sec., West), a chord distance of 283.62' to a brass disc found in concrete for point of tangency;

THENCE South 41 deg., 23 min., 53 sec., West, (Called South 41 deg., 25 min., 00 sec., West), a distance of 581.60' (Called 581.51') to a brass disc found in concrete for the Northwest corner of a (Called 4.869) acre tract conveyed to South Jeff Trust, recorded in Film Code 104-10-0464, Official Public Record of Real Property, Jefferson County, Texas;

THENCE South 48 deg., 36 min., 42 sec., East, (Called South 48 deg., 35 min., 00 sec., East) on the West line of the (Called 4.869) acre tract, a distance of 461.07' (Called 461.05') to a brass disc found in concrete on the North right of way line of said Central Mall Drive; said brass disc in concrete being the Southwest corner of the (Called 4.869) acre tract and the most Southerly Southeast corner of the herein described tract;

THENCE South 40 deg., 52 min., 14 sec., West, (Called South 40 deg., 53 min., 36 sec., West), on the North right of way line of said Central Mall Drive, a distance of 932.26' to an "X" mark found in concrete for the most Southerly Southeast corner of a (Called 9.8978) acre tract of land conveyed to Target Corporation, recorded in File No. 2003041657, Official Public Records of Real Property, Jefferson County, Texas; said "X" mark set in concrete being a point of curvature to the right;

THENCE on the arc of said curve to the right having a radius of 144.85', an arc length of 135.66', a chord bearing of North 22 deg., 25 min., 48 sec., West, a chord distance of 130.76' to a  $\frac{1}{2}$ " steel rod, capped and marked "SOUTEX", found for point of curvature to the left;

THENCE on the arc of said curve to the left having a radius of 81.50', an arc length of 76.14', a chord bearing of North 22 deg., 20 min., 42 sec., West, a chord distance of 73.40' to a  $\frac{1}{2}$ " steel rod, capped and marked "SOUTEX", found for point of tangency;

THENCE North 49 deg., 06 min., 24 sec., West, a distance of 25.56' to an "X" mark found in concrete for corner;

THENCE North 40 deg., 53 min., 36 sec., East, a distance of 571.56' to an "X" mark found in concrete for the most Easterly Southeast corner of the (Called 9.8978) acre tract;

THENCE North 48 deg., 35 min., 00 sec., West, a distance of 619.42' to a point for corner being the Northeast corner of the (Called 9.8978) acre tract;

THENCE South 41 deg., 25 min., 00 sec., West, a distance of 374.35' to a point for corner;

THENCE South 48 deg., 35 min., 00 sec., East, a distance of 164.80' to an "X" mark found in concrete for corner;

THENCE South 03 deg., 35 min., 00 sec., West, a distance of 120.43' to an "X" mark found in concrete for corner;

THENCE North 86 deg., 25 min., 00 sec., West, a distance of 138.96' to an "X" mark found in concrete for corner;

THENCE South 41 deg., 25 min., 00 sec., West, a distance of 81.59' to an "X" mark found in concrete for corner;

THENCE South 03 deg., 35 min., 00 sec., West, a distance of 327.38' to a  $\frac{1}{2}$ " steel rod, capped and marked "SOUTEX", found on the Northeasterly line of a (Called 4.503) acre tract conveyed to South Jeff Trust, recorded in Film Code 104-10-0464, Official Public Records of Real Property, Jefferson County, Texas; said  $\frac{1}{2}$ " steel rod being the most Westerly corner of the (Called 9.8978) acre tract;

THENCE North 85 deg., 36 min., 03 sec., West, (Called North 85 deg., 35 min., 00 sec., West), on the Northeasterly line of the (Called 4.503) acre tract, a distance of 133.88' to a brass disc found in concrete for point of curvature to the right; said brass disc in concrete being the Northeast corner of the (Called 4.503) acre tract;

THENCE on the arc of said curve to the right having a radius of 201.37', an arc length of 129.59' (Called 129.88'), a chord bearing of South 22 deg., 50 min., 30 sec., West, (Called South 22 deg., 53 min., 35 sec., West), a chord distance of 127.36' to a brass disc found in concrete on the Easterly right of way line of said U.S. Highway 69, 96 & 287; said brass disc in concrete being the Northwest corner of the (Called 4.503) acre tract and the most Westerly Southwest corner of the herein described tract;

THENCE North 49 deg., 06 min., 10 sec., West, (Called North 48 deg., 37 min., 49sec., West), on the Easterly right of way line of said U.S. Highway 69, 96 & 287, a distance of 36.97' (Called 37.00') to a brass disc found in concrete for corner;

THENCE North 45 deg., 38 min., 48 sec., West, (Called North 45 deg., 39 min., 15 sec., West), continuing on the Easterly right of way line of said U.S. Highway 69, 96 & 287, a distance of 389.92' (Called 389.34') to a brass disc found in concrete for corner;

THENCE North 46 deg., 31 min., 11 sec., West, (Called North 46 deg., 31 min., 00 sec., West), continuing on the Easterly right of way line of said U.S. Highway 69, 96 & 287, a distance of 182.70' to a brass disc found in concrete for the Southwest corner of the (Called 2.0147) acre tract;

THENCE North 34 deg., 09 min., 14 sec., West, (Called North 34 deg., 07 min., 06 sec., West), a distance of 28.07 (Called 28.05') to a brass disc found in concrete for point of curvature to the right;

THENCE on the arc of said curve to the right having a radius of 221.00', an arc length of 133.22' (Called 133.21'), a chord bearing of North 16 deg., 51 min., 00 sec., West, (Called North 16 deg., 51 min., 03 sec., West), a chord distance of 131.21' to a brass disc found in concrete for point of tangency;

THENCE North 00 deg., 24 min., 49 sec., East; (Called North 00 deg., 25 min., 00 sec., East), a distance of 423.82' (Called 423.83') to a brass disc found in concrete for point of curvature to the right;

THENCE on the arc of said curve to the right having a radius of 261.00', an arc length of 149.68' (Called 149.64') a chord bearing of North 16 deg., 51 min., 52 sec., East, (Called North 16 deg., 50 min., 30 sec., East), a chord distance of 147.64' to a brass disc found in concrete for point of tangency;

THENCE North 48 deg., 37 min., 39 sec., West, (Called North 48 deg., 35 min., 00 sec., West), a distance of 77.34' (Called 77.35') to the POINT OF BEGINNING and containing 62.0424 acres of land, more or less.

**TRACT TWO (easement estate):**

Being 92.5824 (Called 92.5666) acres of land out of and a part of Lots 2, 3, 4, 5, 6, and 7, Block 13, Range "I", and Lots 1, 2, 7, and 8, Block 13, Range "J", Port Arthur Land Company Subdivision, City of Port Arthur, recorded in Volume 1, Page 22, Map Records, Jefferson County, Texas; SAVE and EXCEPT a (Called 9.8978) acre tract conveyed to Target Corporation, recorded in File No. 2003041657, Official Public Records of Real Property, Jefferson County, Texas; said 92.5824 acre tract being more fully described by metes and bounds as follows, to wit:

BEGINNING at a point for corner being the most Northerly cutback corner of the intersection of the Easterly right of way line of US Highway 69, 96 & 287 and the Southerly right of way line of F.M. Highway 365; said point being the most Northerly Northwest corner of a (Called 2.0147) acre tract of land conveyed to CNR Construction, recorded in File No. 2000041705, Official Public Records of Real Property, Jefferson County, Texas;

THENCE North 41 deg., 53 min., 00 sec., East, on the Southerly right of way line of said F.M.

Highway 365, a distance of 385.00' passing a brass disc found in concrete; continuing for a total distance of 964.06' (Called 964.00') to a brass disc found in concrete for corner;

THENCE North 41 deg., 25 min., 00 sec., East, continuing on the Southerly right of way line of said F.M. Highway 365, a distance of 662.87' (Called 662.85') to a brass disc found in concrete for corner;

THENCE North 41 deg., 23 min., 57 sec., East (Called North 41 deg., 25 min., 00 sec., East), continuing on the Southerly right of way line of said F.M. Highway 365, a distance of 100.04' passing a brass disc found in concrete for the Northwest corner of a tract of land conveyed to Joe F. Thomson, (Called 1.3167) acre tract, recorded in File No. 2002014932, Official Public Records of Real Property, Jefferson County, Texas; continuing for a total distance of 447.42' to a point for corner being the intersection of the Southerly right of way line of said F.M. Highway 365 and the Westerly right of way line of a dedicated road named Central Mall Drive; said point for corner being the Northeast corner of the (Called 1.3167) acre tract and the Northeast corner of the herein described tract;

THENCE South 49 deg., 30 min., 00 sec., East, on the Westerly right of way line of said Central Mall Drive, a distance of 239.26' to a brass disc found in concrete for the Southeast corner of the (Called 1.3167) acre tract;

THENCE South 49 deg., 32 min., 54 sec., East (Called South 49 deg., 30 min., 00 sec., East), continuing on the Westerly right of way line of said Central Mall Drive, a distance of 68.53' to a brass disc found in concrete for corner;

THENCE continuing on the Westerly right of way line of said Central Mall Drive, on the arc of a curve to the left having a radius of 735.00', an arc length of 401.49', a chord bearing of South 65 deg., 10 min., 12 sec., East (Called South 65 deg., 08 min., 46 sec., East), a chord distance of 396.52' to a brass disc found in concrete for corner;

THENCE South 80 deg., 47 min., 40 sec., East (Called South 80 deg., 47 min., 37 sec., East), continuing on the Westerly right of way line of said Central Mall Drive, a distance of 49.98' (Called 50.00'), to a brass disc found in concrete for corner;

THENCE continuing on the Westerly right of way line of said Central Mall Drive, on the arc of a curve to the right having a radius of 555.00', an arc length of 29.45', a chord bearing of South 79 deg., 13 min., 20 sec., East, a chord distance of 29.44' to a brass disc found in concrete for corner;

THENCE continuing on the Westerly right of way line of said Central Mall Drive, on the arc of said curve to the right having a radius of 555.00', an arc length of 360.95', a chord bearing of South 59 deg., 08 min., 05 sec., East, a chord distance of 354.62' to a brass disc found in concrete for corner;

THENCE continuing on the Westerly right of way line of said Central Mall Drive, on the arc of said curve to the right having a radius of 555.00', an arc length of 21.00', a chord bearing of South 39 deg., 24 min., 41 sec., East, a chord distance of 21.00' to a P.K. nail found in asphalt for corner;

THENCE continuing on the Westerly right of way line of said Central Mall Drive, on the arc of a curve to the right having a radius of 750.00', an arc length of 21.00', a chord bearing of South 37 deg., 32 min., 36 sec., East, a chord distance of 21.00' to an "X" mark found in concrete for corner;

THENCE continuing on the Westerly right of way line of said Central Mall Drive, on the arc of said curve to the right having a radius of 750.00', an arc length of 632.12', a chord bearing of South 12 deg., 33 min., 11 sec., East, a chord distance of 613.58' to a point for corner;

THENCE continuing on the Westerly right of way line of said Central Mall Drive, on the arc of a curve to the right having a radius of 565.00', an arc length of 289.20', a chord bearing of South 26 deg., 12 min., 24 sec., West, a chord distance of 286.06' to a point for corner being the intersection of the Westerly and North right of way lines of said Central Mall Drive;

THENCE South 40 deg., 52 min., 14 sec., West (Called South 40 deg., 53 min., 36 sec., West), on the North right of way line of said Central Mall Drive, a distance of 489.10' to a brass disc found in concrete for the Southwest corner of a (Called 4.869) acre tract conveyed to South Jeff Trust, recorded in Film Code 104-10-0464, Official Public Records of Real Property, Jefferson County, Texas;

THENCE South 40 deg., 52 min., 14 sec., West (Called South 40 deg., 53 min., 36 sec., West), continuing on the North right of way line of said Central Mall Drive, a distance of 932.26' to an "X" mark found in concrete for corner;

THENCE South 40 deg., 52 min., 14 sec., West (Called South 40 deg., 53 min., 36 sec., West), continuing on the North right of way line of said Central Mall Drive, a distance of 424.45' to a 5/8" steel rod with an aluminum cap found for corner; being an angle point in the South line of a (Called 4.503) acre tract conveyed to South Jeff Trust, recorded in Film Code No. 104-10-0464, Official Public Records of Real Property, Jefferson County, Texas;

THENCE South 86 deg., 07 min., 53 sec., West, continuing on the North right of way line of said Central Mall Drive, a distance of 14.08' to a point for corner being the intersection of the North right of way line of said Central Mall Drive and the Easterly right of way line of said US Highway 69, 96 & 287;

THENCE North 48 deg., 37 min., 11 sec., West (Called North 48 deg., 37 min., 49 sec., West), on the Easterly right of way line of said US Highway 69, 96 & 287, same being the West line of the (Called 4.503) acre tract, a distance of 564.15' to a brass disc found in concrete for the Northwest corner of the (Called 4.503) acre tract;

THENCE North 49 deg., 06 min., 10 sec., West (Called North 48 deg., 37 min., 49 sec., West), continuing on the Easterly right of way line of said US Highway 69, 96 & 287, a distance of 36.97' to a brass disc found in concrete for corner;

THENCE North 45 deg., 38 min., 48 sec., West (Called North 45 deg., 39 min., 15 sec., West), continuing on the Easterly right of way line of said US Highway 69, 96 & 287, a distance of 389.92' (Called 389.34') to a brass disc found in concrete for corner;

THENCE North 46 deg., 31 min., 11 sec., West (Called North 46 deg., 31 min., 00 sec., West), continuing on the Easterly right of way line of said US Highway 69, 96 & 287, a distance of 182.70' to a brass disc found in concrete for the most Southerly corner of said CNR Construction Company tract;

THENCE North 50 deg., 23 min., 00 sec., West, continuing on the Easterly right of way line of said US Highway 69, 96 & 287, same being the Westerly line of said CNR Construction Company tract, a distance of 389.91' to a point for corner being the most Westerly corner of said CNR Construction Company tract;

THENCE North 05 deg., 37 min., 21 sec., West (Called North 05 deg., 37 min., 00 sec., West), continuing on the Easterly right of way line of said US Highway 69, 96 & 287, a distance of 230.90' to the POINT OF BEGINNING and containing 92.5824 (Called 92.5666) acres of land, more or less.



13 pgs  
NOTTS

2018031967

NOTICE OF SUBSTITUTE TRUSTEE'S SALE  
(MSCI 2005-IQ9 / Central Mall Portfolio [Port Arthur Property])

September 7, 2018 (the "Effective Date")

Notice is hereby given that a Foreclosure<sup>1</sup> of the Property (defined below) will be held at the date, time and place specified in this notice.

**DATE OF SALE:** Tuesday, October 2, 2018 (the first [1<sup>st</sup>] Tuesday of that month).

**TIME OF SALE:** The earliest time at which the Foreclosure will occur is 1:00 p.m. (Dallas, Texas time). The Foreclosure shall begin at that time or not later than three (3) hours thereafter.

**PLACE OF SALE:** The Foreclosure will take place at the location designated by the Commissioner's Court of Jefferson County, Texas as the location where nonjudicial foreclosure sales are to take place. If no such location has been designated, the Foreclosure will take place at the location where nonjudicial foreclosure sales in Jefferson County, Texas are typically conducted.

**INDEBTEDNESS PROMPTING SALE:** The Loan.<sup>2</sup>

**DEED OF TRUST CREATING LIEN THAT IS THE SUBJECT OF SALE:** The Deed of Trust.<sup>3</sup>

**PROPERTY BEING SOLD:** The Property, which has a street address of 3100 Highway 365, Port Arthur, Texas 77642 in Jefferson County, Texas.<sup>4</sup>

**ASSIGNMENTS/TRANSFERS; NOTEHOLDER:** Pursuant to certain endorsements, assignments, and/or transfers of the Loan Documents,<sup>5</sup> Noteholder<sup>6</sup> is the current owner of the Loan Documents.

<sup>1</sup> "Foreclosure" means a public nonjudicial foreclosure sale, at auction.

<sup>2</sup> "Loan" means the debt evidenced by the Note (defined below).

"Note" means that certain Promissory Note (as amended and/or modified), dated November 22, 2004, executed by Borrower (defined below), as maker, payable to the order of Original Noteholder (defined below), as payee, in the original principal amount of \$134,500,000.00.

"Borrower" means GG&A Central Mall Partners, L.P., a Delaware limited partnership.

"Original Noteholder" means IXIS Real Estate Capital Inc. (f/k/a CDC Mortgage Capital Inc.), a New York corporation.

<sup>3</sup> "Deed of Trust" means that certain Deed of Trust, Assignment of Leases and Rents and Security Agreement (as amended and/or modified), dated effective November 22, 2004, executed and delivered by Borrower, as grantor, to Ken N. Whitlow, as trustee, for the benefit of Original Noteholder, as beneficiary, recorded as Clerk's File No. 2004046122 in the Real Property Records in Jefferson County, Texas, covering, among other things, the Property.

<sup>4</sup> "Property" means that certain real property, personal property, and general intangibles described in the Deed of Trust, the real property of which is located at the street address 3100 Highway 365, Port Arthur, Texas 77642, in Jefferson County, Texas, and more particularly described on Exhibit "A", attached hereto and incorporated herein by reference.

<sup>5</sup> "Loan Documents" means the Loan Agreement (defined below), the Note, the Security Instruments (defined below), and any and all other documents executed in connection therewith and/or relating in any way thereto.

"Security Instruments" means collectively, that certain Mortgage, Assignment of Leases and Rents and Security Agreement, dated effective November 22, 2004, executed and delivered by Borrower, as mortgagor, to Original Noteholder, as beneficiary, recorded as Book 4539 at Page 285 in the land records of Comanche County, Oklahoma; , the Deed of Trust; and that certain Deed of Trust, Assignment of Leases and Rents and Security Agreement, dated effective November 22, 2004, executed and

Securitization: MSCI 2005-IQ9  
C-III Loan No.: 700201750

Borrower: GG&A Central Mall Partners, L.P.  
Property: 3100 Highway 365, Port Arthur, Texas 77642 (Central Mall Portfolio Port Arthur Property)

However, consistent with the laws of the State of Texas and the terms and provisions contained within the Loan Documents, Noteholder reserves the right to endorse, assign and/or transfer the Loan Documents to a third-party at any time after this Notice of Substitute Trustee's Sale has been posted in Jefferson County, Texas (including just prior to the nonjudicial foreclosure sale discussed herein). You may contact Mr. Cliff Ogle with Noteholder (at the telephone number provided below) to determine whether Noteholder has endorsed, assigned and/or transferred the Loan Documents to a third-party and, if they have, to obtain the name, address, and other contact information of the successor noteholder.

**TEXAS PROPERTY CODE § 51.0025 NOTICE:** Noteholder is currently acting by and through the Special Servicer,<sup>7</sup> and may be contacted at c/o the Special Servicer, 5221 N. O'Connor Blvd., Suite 800, Irving, Texas 75039, Attention: Mr. Cliff Ogle, (941) 238-6556 (telephone), (972) 868-5490 (telecopy).

**ACTIVE MILITARY DUTY NOTICE:** To assert and protect your rights as a member of the armed forces of the United States, if you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

**SUBSTITUTE TRUSTEES:** Pursuant to the Appointment,<sup>8</sup> the Substitute Trustees<sup>9</sup> were each appointed a substitute trustee under the Deed of Trust. Any one (1) of the Substitute Trustees (including the Substitute Trustee that signed this Notice of Substitute Trustee's Sale) may conduct the nonjudicial foreclosure sale.

The Note matured on June 5, 2018 and Borrower failed to pay all amounts required by the Loan Documents. As required by the terms and provisions contained within the applicable Loan Documents,

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delivered by Borrower, as grantor to Ken N. Whitlow, as trustee for the benefit of Original Noteholder, as beneficiary, recorded as Volume 4470, Page 215 in the Real Property Records in Bowie County, Texas, covering, among other things, the Property.

**"Loan Agreement"** means that certain Loan Agreement (as amended and/or modified), dated November 22, 2004, entered into by and between Borrower and Original Noteholder.

<sup>6</sup> "**Noteholder**" means U.S. Bank National Association, as Trustee, successor-in-interest to Bank of America, N.A., as Trustee, successor-by-merger to LaSalle Bank National Association, as Trustee for Morgan Stanley Capital I Inc., Commercial Mortgage Pass-Through Certificates, Series 2005-IQ9, acting by and through the Special Servicer (defined below).

<sup>7</sup> "**Special Servicer**" means C-III Asset Management LLC, a Delaware limited liability company, not individually but solely in its authorized capacity as special servicer pursuant to that certain Pooling and Servicing Agreement, dated February 1, 2005.

<sup>8</sup> "**Appointment**" means that certain Appointment of Substitute Trustees and Request to Act, dated August 31, 2018, recorded as Instrument No. 2018031156 in the Real Property Records in Jefferson County, Texas.

<sup>9</sup> "**Substitute Trustees**" means each of the following:

Mark Weibel, Esq., of Dallas County, Texas, Thompson & Knight LLP, 1722 Routh Street, Suite 1500, Dallas, Texas 75201, (214) 969-1111 (telephone), (214) 969-9221 (telecopy), Mark.Weibel@tklaw.com (email).

David Rusk, Esq., of Harris County, Texas, Thompson & Knight LLP, 811 Main St., Suite 2500, Houston, Texas 77002, (713) 217-2891 (telephone), (832) 397-8131 (telecopy), David.Rusk@tklaw.com (email).

Sam Murphy, Esq., of Dallas County, Texas, Thompson & Knight LLP, 1722 Routh Street, Suite 1500, Dallas, Texas 75201, (214) 969-2523 (telephone), (214) 880-3298 (telecopy), Sam.Murphy@tklaw.com (email).

Manny Gardberg, Esq., of Harris County, Texas, Thompson & Knight LLP, 811 Main St., Suite 2500, Houston, Texas 77002, (713) 653-8615 (telephone), (832) 397-8095 (telecopy), Manny.Gardberg@tklaw.com (email).

all required notices have been provided and all applicable cure periods have expired. Accordingly, all of the (i) unpaid principal due under the Note, (ii) accrued interest due under the Note, and (iii) other amounts provided for in the Loan Documents are now due and payable in full. Noteholder has requested that any one (1) of the Substitute Trustees, each of whom is a substitute trustee under the Deed of Trust, sell the Property for cash, the proceeds of such nonjudicial foreclosure sale to be applied in accordance with the terms and provisions of the Loan Documents and applicable law.

Noteholder has further requested that any one (1) of the Substitute Trustees sell all of the components of the Property that are personal property (including general intangibles) and/or fixtures at the same time and place as the Foreclosure of the real property. Accordingly, pursuant to and in accordance with the terms of Section 9.604 of the Texas Business and Commerce Code, the Foreclosure of the personal property, general intangibles, and fixtures will be held at the same time and place as the Foreclosure of the real property.

Therefore, at the date, time, and place set forth above, one (1) of the Substitute Trustees will sell the Property to the highest bidder for cash pursuant to the terms of the Loan Documents and applicable law.

*[signature page follows]*

IN WITNESS WHEREOF, this Notice of Substitute Trustee's Sale has been executed to be enforceable on the Effective Date.

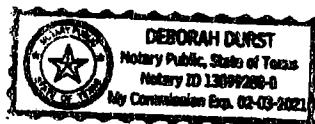
By: Sam Murphy  
Name: Sam Murphy, Esq.  
Title: Substitute Trustee

STATE OF TEXAS §  
COUNTY OF DALLAS §

This instrument was acknowledged before me on September 7, 2018, by Sam Murphy, Esq., as substitute trustee, in the capacity herein stated.

[SEAL]

Deborah Durst  
Notary Public, State of Texas



**EXHIBIT "A"**

to

**Notice of Substitute Trustee's Sale**

Dated September 7, 2018

**Real Property**

[attached]

**EXHIBIT "A"**

Securitization: MSCI 2005-IQ9

C-III Loan No: 700201750

Borrower: GG&A Central Mall Partners, L.P.

Property: 3100 Highway 365, Port Arthur, Texas 77642 (Central Mall Portfolio - Port Arthur)

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

**TRACT ONE (Mall):**

Being 62.0424 acres of land out of and a part of Lots 2, 3, 4, 5, 6, & 7, Block 13, Range "T", and Lots 1, 2, 7, & 8, Block 13, Range "T", Port Arthur Land Company Subdivision, City of Port Arthur, recorded in Vol. 1, Page 22, Map Records, Jefferson County, Texas; being the same land as a (Called 71.9184) acre tract conveyed to Central Mall Joint Venture Limited Partnership, recorded in File No. 1999036599, Official Public Records of Real Property, Jefferson County, Texas; SAVE and EXCEPT a (Called 9.8978) acre tract conveyed to Target Corporation, recorded in File No. 2003041657, Official Public Records of Real Property, Jefferson County, Texas; said 62.0424 acre tract being more fully described by metes and bounds as follows, to wit:

COMMENCING at a point being the most Northerly cutback corner of the intersection of the Easterly right of way line of U.S. Highway 69, 96 & 287 and the Southerly right of way line of F.M. Highway 365; said point being the most Northerly Northwest corner of a (Called 2.0147) acre tract of land conveyed to CNR Construction, recorded in File No. 2000041705, Official Public Records of Real Property, Jefferson County, Texas;

THENCE (Called North 41 deg., 53 min., 00 sec., East), on the Southerly right of way line of said F.M. Highway 365, a distance of (Called 385.00') to a brass disc found in concrete for the POINT OF BEGINNING; said brass in concrete being the Northwest corner of the herein described tract;

THENCE North 41 deg., 52 min., 57 sec., East, (Called North 41 deg., 53 min., 00 sec., East), on the Southerly right of way line of said F.M. Highway 365, a distance of 579.06' (Called 579.00') to a brass disc found in concrete for angle point;

THENCE Ref. Line = North 41 deg., 25 min., 00 sec., East, continuing on the Southerly right of way line of said F.M. Highway 365, a distance of 662.87' (Called 662.85') to a brass disc found in concrete for angle point;

THENCE North 41 deg., 23 min., 57 sec., East, (Called North 41 deg., 22 min., 00 sec., East) continuing on the Southerly right of way line of said F.M. Highway 365, a distance of 100.04' (Called 100.00') to a brass disc found in concrete for the Northwest corner of a (Called 1.3167) acre tract of land conveyed to Joe S. Thomson, recorded in File No. 2002014932, Official Public Records of Real Property, Jefferson County, Texas; said brass disc in concrete being the Northeast corner of the herein described tract;

THENCE South 48 deg., 32 min., 56 sec., East, (Called South 48 deg., 35 min., 00 sec., East), a distance of 70.01' (Called 70.09') to a brass disc found in concrete for corner;

THENCE North 41 deg., 23 min., 58 sec., East, (Called North 41 deg., 25 min., 00 sec., East), a distance of 23.72' (Called 23.70') to a brass disc found in concrete for point of curvature to the right;

THENCE on the arc of said curve to the right having a radius of 269.95', an arc length of 345.09' (Called 345.08'), a chord bearing of North 78 deg., 01 min., 49 sec., East, (Called North 78 deg., 02 min., 17 sec., East), a chord distance of 322.06' to a brass disc found in concrete for the Southwest corner of the (Called 1.3167) acre tract;

THENCE North 28 deg., 14 min., 36 sec., East, (Called North 28 deg., 16 min., 11 sec., East), a

distance of 101.72' (Called 101.73') to a brass disc found in concrete on the Westerly right of way line of a dedicated road named Central Mall Drive; said brass disc in concrete being the Southeast corner of the (Called 1.3167) tract;

THENCE South 49 deg., 32 min., 54 sec., East, (Called South 49 deg., 30 min., 00 sec., East) on the Westerly right of way line of said Central Mall Drive, a distance of 68.53' (Called 68.50') to a brass disc found in concrete for point of curvature to the left;

THENCE continuing on the Westerly right of way line of said Central Mall Drive on the arc of said curve to the left having a radius of 735.00', an arc length of 401.49' (Called 401.44'), a chord bearing of South 65 deg., 10 min., 12 sec., East, (Called South 65 deg., 08 min., 46 sec., East), a chord distance of 396.52' to a brass disc found in concrete for point of tangency;

THENCE South 80 deg., 47 min., 40 sec., East, (Called South 80 deg., 47 min., 37 sec., East), continuing on the Westerly right of way line of said Central Mall Drive, a distance of 49.98' (Called 50.00') to a brass disc found in concrete for point of curvature to the right;

THENCE continuing on the Westerly right of way line of said Central Mall Drive on the arc of said curve to the right having a radius of 555.00', an arc length of 29.45' (Called 29.46'), a chord bearing of South 79 deg., 13 min., 20 sec., East, (Called South 79 deg., 16 min., 23 sec., East), a chord distance of 29.44' to a brass disc found in concrete for the Northeast corner of a (Called 1.0675) acre tract of land conveyed to CM Outparcels, LTD, recorded in File No. 2002006052, Official Public Records of Real Property, Jefferson County, Texas;

THENCE South 12 deg., 14 min., 58 sec., West, (Called South 12 deg., 14 min., 51 sec., West), a distance of 90.94' (Called 90.89') to a brass disc found in concrete for the Northwest corner of the (Called 1.0675) acre tract and being a point of curvature to the right;

THENCE on the arc of said curve to the right having a radius of 97.50', an arc length of 238.80' (Called 238.82'), a chord bearing of South 34 deg., 50 min., 47 sec., East, (Called South 34 deg., 49 min., 52 sec., East), a chord distance of 236.52' to a brass disc found in concrete for the Southwest corner of the (Called 1.0675) acre tract;

THENCE North 71 deg., 20 min., 05 sec., East, (Called North 71 deg., 20 min., 25 sec., East), a distance of 15.52' to a PK nail found in the asphalt for point of curvature to the left;

THENCE on the arc of said curve to the left having a radius of 555.94', an arc length of 190.86' (Called 190.82'), a chord bearing of North 61 deg., 29 min., 59 sec., East, (Called North 61 deg., 30 min., 25 sec., East) a chord distance of 189.92' to a brass disc found in concrete for point of tangency;

THENCE North 51 deg., 49 min., 08 sec., East, (Called North 51 deg., 40 min., 25 sec., East), a distance of 8.83' (Called 8.81') to a brass disc found in concrete on the arc of a curve to the right on the Westerly right of way line of said Central Mall Drive; said brass disc in concrete being the Southeast corner of the (Called 1.0675) acre tract;

THENCE on the Westerly right of way line of said Central Mall Drive on the arc of said curve to the right having a radius of 555.00', an arc length of 21.00' (Called 21.01'), a chord bearing of South 39

deg., 24 min., 41 sec., East, (Called South 39 deg., 24 min., 38 sec., East), a chord distance of 21.00' to a PK nail found in asphalt for point of curvature to the right;

THENCE continuing on the Westerly right of way line of said Central Mall Drive on the arc of said curve to the right having a radius of 750.00', an arc length of 21.00', a chord bearing of South 37 deg., 32 min., 36 sec., East, (Called South 37 deg., 31 min., 27 sec., East), a chord distance of 21.00' to an "X" mark found in concrete for the Northeast corner of a tract of land conveyed to Mickey Phelan B. Land LP, recorded in File No. 2001000212, Official Public Records of Real Property, Jefferson County, Texas;

THENCE South 51 deg., 40 min., 25 sec., West, a distance of 80.19' to a brass disc found in concrete for point of curvature to the right;

THENCE on the arc of said curve to the right having a radius of 597.94', an arc length of 205.24', a chord bearing of South 61 deg., 28 min., 59 sec., West, (Called South 61 deg., 30 min., 25 sec., West), a chord distance of 204.23' to a brass disc found in concrete for point of tangency;

THENCE South 71 deg., 22 min., 29 sec., West (Called South 71 deg., 20 min., 25 sec., West), a distance of 15.55' (Called 15.52') to a brass disc found in concrete on the arc of a curve to the right; said brass disc in concrete being the Northwest corner of said Mickey Phelan B. Land LP tract;

THENCE on the arc of said curve to the right having a radius of 497.50'; an arc length of 109.85' (Called 109.90'), a chord bearing of South 09 deg., 53 min., 31 sec., East, (Called South 09 deg., 54 min., 43 sec., East), a chord distance of 109.63' to a brass disc found in concrete for point of curvature to the right;

THENCE on the arc of said curve to the right having a radius of 370.63', an arc length of 291.04' (Called 291.09'), a chord bearing of South 18 deg., 55 min., 24 sec., West, (Called South 18 deg., 55 min., 00 sec., West), a chord distance of 283.62' to a brass disc found in concrete for point of tangency;

THENCE South 41 deg., 23 min., 53 sec., West, (Called South 41 deg., 25 min., 00 sec., West), a distance of 581.60' (Called 581.51') to a brass disc found in concrete for the Northwest corner of a (Called 4.869) acre tract conveyed to South Jeff Trust, recorded in Film Code 104-10-0464, Official Public Record of Real Property, Jefferson County, Texas;

THENCE South 48 deg., 36 min., 42 sec., East, (Called South 48 deg., 35 min., 00 sec., East) on the West line of the (Called 4.869) acre tract, a distance of 461.07' (Called 461.05') to a brass disc found in concrete on the North right of way line of said Central Mall Drive; said brass disc in concrete being the Southwest corner of the (Called 4.869) acre tract and the most Southerly Southeast corner of the herein described tract;

THENCE South 40 deg., 52 min., 14 sec., West, (Called South 40 deg., 53 min., 36 sec., West), on the North right of way line of said Central Mall Drive, a distance of 932.26' to an "X" mark found in concrete for the most Southerly Southeast corner of a (Called 9.8978) acre tract of land conveyed to Target Corporation, recorded in File No. 2003041657, Official Public Records of Real Property, Jefferson County, Texas; said "X" mark set in concrete being a point of curvature to the right;

THENCE on the arc of said curve to the right having a radius of 144.85', an arc length of 135.66', a chord bearing of North 22 deg., 25 min., 48 sec., West, a chord distance of 130.76' to a  $\frac{1}{2}$ " steel rod, capped and marked "SOUTEX", found for point of curvature to the left;

THENCE on the arc of said curve to the left having a radius of 81.50', an arc length of 76.14', a chord bearing of North 22 deg., 20 min., 42 sec., West, a chord distance of 73.40' to a  $\frac{1}{2}$ " steel rod, capped and marked "SOUTEX", found for point of tangency;  
THENCE North 49 deg., 06 min., 24 sec., West, a distance of 25.56' to an "X" mark found in concrete for corner;

THENCE North 40 deg., 53 min., 36 sec., East, a distance of 571.56' to an "X" mark found in concrete for the most Easterly Southeast corner of the (Called 9.8978) acre tract;

THENCE North 48 deg., 35 min., 00 sec., West, a distance of 619.42' to a point for corner being the Northeast corner of the (Called 9.8978) acre tract;

THENCE South 41 deg., 25 min., 00 sec., West, a distance of 374.35' to a point for corner;

THENCE South 48 deg., 35 min., 00 sec., East, a distance of 164.80' to an "X" mark found in concrete for corner;

THENCE South 03 deg., 35 min., 00 sec., West, a distance of 120.43' to an "X" mark found in concrete for corner;

THENCE North 86 deg., 25 min., 00 sec., West, a distance of 138.96' to an "X" mark found in concrete for corner;

THENCE South 41 deg., 25 min., 00 sec., West, a distance of 81.59' to an "X" mark found in concrete for corner;

THENCE South 03 deg., 35 min., 00 sec., West, a distance of 327.38' to a  $\frac{1}{2}$ " steel rod, capped and marked "SOUTEX", found on the Northeasterly line of a (Called 4.503) acre tract conveyed to South Jeff Trust, recorded in Film Code 104-10-0464, Official Public Records of Real Property, Jefferson County, Texas; said  $\frac{1}{2}$ " steel rod being the most Westerly corner of the (Called 9.8978) acre tract;

THENCE North 85 deg., 36 min., 03 sec., West, (Called North 85 deg., 35 min., 00 sec., West), on the Northeasterly line of the (Called 4.503) acre tract, a distance of 133.88' to a brass disc found in concrete for point of curvature to the right; said brass disc in concrete being the Northeast corner of the (Called 4.503) acre tract;

THENCE on the arc of said curve to the right having a radius of 201.37', an arc length of 129.59' (Called 129.88'), a chord bearing of South 22 deg., 50 min., 30 sec., West, (Called South 22 deg., 53 min., 35 sec., West), a chord distance of 127.36' to a brass disc found in concrete on the Easterly right of way line of said U.S. Highway 69, 96 & 287; said brass disc in concrete being the Northwest corner of the (Called 4.503) acre tract and the most Westerly Southwest corner of the herein described tract;

THENCE North 49 deg., 06 min., 10 sec., West, (Called North 48 deg., 37 min., 49 sec., West), on the Easterly right of way line of said U.S. Highway 69, 96 & 287, a distance of 36.97' (Called 37.00') to a brass disc found in concrete for corner;

THENCE North 45 deg., 38 min., 48 sec., West, (Called North 45 deg., 39 min., 15 sec., West), continuing on the Easterly right of way line of said U.S. Highway 69, 96 & 287, a distance of 389.92' (Called 389.34') to a brass disc found in concrete for corner;

THENCE North 46 deg., 31 min., 11 sec., West, (Called North 46 deg., 31 min., 00 sec., West), continuing on the Easterly right of way line of said U.S. Highway 69, 96 & 287, a distance of 182.70' to a brass disc found in concrete for the Southwest corner of the (Called 2.0147) acre tract;

THENCE North 34 deg., 09 min., 14 sec., West, (Called North 34 deg., 07 min., 06 sec., West), a distance of 28.07 (Called 28.05') to a brass disc found in concrete for point of curvature to the right;

THENCE on the arc of said curve to the right having a radius of 221.00', an arc length of 133.22' (Called 133.21'), a chord bearing of North 16 deg., 51 min., 00 sec., West, (Called North 16 deg., 51 min., 03 sec., West), a chord distance of 131.21' to a brass disc found in concrete for point of tangency;

THENCE North 00 deg., 24 min., 49 sec., East, (Called North 00 deg., 25 min., 00 sec., East), a distance of 423.82' (Called 423.83') to a brass disc found in concrete for point of curvature to the right;

THENCE on the arc of said curve to the right having a radius of 261.00', an arc length of 149.68' (Called 149.64') a chord bearing of North 16 deg., 51 min., 52 sec., East, (Called North 16 deg., 50 min., 30 sec., East), a chord distance of 147.64' to a brass disc found in concrete for point of tangency;

THENCE North 48 deg., 37 min., 39 sec., West, (Called North 48 deg., 35 min., 00 sec., West), a distance of 77.34' (Called 77.35') to the POINT OF BEGINNING and containing 62.0424 acres of land, more or less.

**TRACT TWO (easement estate):**

Being 92.5824 (Called 92.5666) acres of land out of and a part of Lots 2, 3, 4, 5, 6, and 7, Block 13, Range "I", and Lots 1, 2, 7, and 8, Block 13, Range "J", Port Arthur Land Company Subdivision, City of Port Arthur, recorded in Volume 1, Page 22, Map Records, Jefferson County, Texas; SAVE and EXCEPT a (Called 9.8978) acre tract conveyed to Target Corporation, recorded in File No. 2003041657, Official Public Records of Real Property, Jefferson County, Texas; said 92.5824 acre tract being more fully described by metes and bounds as follows, to wit:

BEGINNING at a point for corner being the most Northerly cutback corner of the intersection of the Easterly right of way line of US Highway 69, 96 & 287 and the Southerly right of way line of F.M. Highway 365; said point being the most Northerly Northwest corner of a (Called 2.0147) acre tract of land conveyed to CNR Construction, recorded in File No. 2000041705, Official Public Records of Real Property, Jefferson County, Texas;

THENCE North 41 deg., 53 min., 00 sec., East, on the Southerly right of way line of said F.M.

**EXHIBIT "C"**

to that certain  
Substitute Trustee's Deed and Bill of Sale  
dated October 2, 2018

Notice of Substitute Trustee's Sale

[attached]

Exhibit "C"

Securitization: MSCI 2005-IQ9  
C-III Loan No.: 700201750

Borrower: GG&A Central Mall Partners, L.P.  
Property: 3100 Highway 365, Port Arthur, Texas 76642 (Central Mall Portfolio Port Arthur Property)

SUBSTITUTE TRUSTEE'S DEED AND BILL OF SALE

516953.000166 21265129.1

**EXHIBIT "D"**

to that certain  
Substitute Trustee's Deed and Bill of Sale  
dated October 2, 2018

Affidavits of Preparation, Filing, Posting, and Mailing

[attached]

Exhibit "D"

Securitization: MSCI 2005-IQ9  
C-III Loan No.: 700201750

Borrower: GG&A Central Mall Partners, L.P.  
Property: 3100 Highway 365, Port Arthur, Texas 76642 (Central Mall Portfolio Port Arthur Property)

AFFIDAVITS OF PREPARATION, FILING, POSTING, AND MAILING  
(MSCI 2005-IQ9 [C-III] / Central Mall Portfolio [Port Arthur Property])

**SUBSTITUTE TRUSTEES:** Mark Weibel, Esq., David Rusk, Esq., Sam Murphy, Esq., Manny Gardberg, Esq.

**PROMISSORY NOTE:** Promissory Note (as amended and/or modified, the “Note”), dated November 22, 2004, executed by GG&A Central Mall Partners, L.P., a Delaware limited partnership (“Borrower”), as maker, payable to the order of IXIS Real Estate Capital Inc. (f/k/a CDC Mortgage Capital Inc.), a New York corporation (“Original Noteholder”), as payee, in the original principal amount of \$134,500,000.00.

**DEED OF TRUST:** Deed of Trust, Assignment of Leases and Rents and Security Agreement (as amended and/or modified), dated effective November 22, 2004, executed and delivered by Borrower, as grantor, to Ken N. Whitlow, as trustee, for the benefit of Original Noteholder, as beneficiary, recorded as Clerk’s File No. 2004046122 in the Real Property Records in Jefferson County, Texas, covering, among other things, the Property

**LOAN AGREEMENT:** Loan Agreement (as amended and/or modified, the “Loan Agreement”), dated November 22, 2004, by and between Borrower and Original Noteholder.

**LOAN DOCUMENTS:** The Loan Agreement (defined below), the Note, the Security Instruments (defined below), and any and all other documents executed in connection therewith and/or relating in any way thereto. are referred to herein as the “Loan Documents. ”

**SECURITY INSTRUMENTS:** The Deed of Trust, the Mortgage, Assignment of Leases and Rents and Security Agreement, dated effective November 22, 2004, executed and delivered by Borrower, as mortgagor, to Original Noteholder, as beneficiary, recorded as Book 4539 at Page 285 in the land records of Comanche County, Oklahoma; and that certain Deed of Trust, Assignment of Leases and Rents and Security Agreement, dated effective November 22, 2004, executed and delivered by Borrower, as grantor to Ken N. Whitlow, as trustee for the benefit of Original Noteholder, as beneficiary, recorded as Volume 4470, Page 215 in the Real Property Records in Bowie County, Texas, covering, among other things, the Property

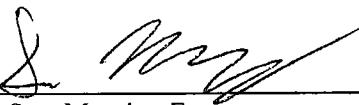
**ASSIGNMENT/TRANSFERS:** Pursuant to certain endorsements, assignments, and/or transfers of the Loan Documents, U.S. Bank National Association, as Trustee, successor-in-interest to Bank of America, N.A., as Trustee, successor-by-merger to LaSalle Bank National Association, as Trustee for Morgan Stanley Capital I Inc., Commercial Mortgage Pass-Through Certificates, Series 2005-IQ9 (“Noteholder”) is the current owner of the Loan Documents.

**DATE SCHEDULED FOR FORECLOSURE:** October 2, 2018 (Tuesday).

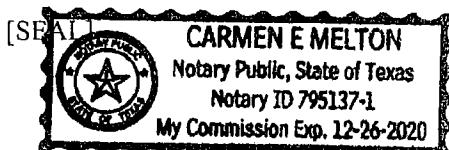
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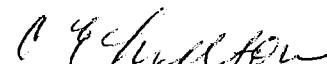
Affidavit of Notice Preparation

I, Sam Murphy, Esq., Substitute Trustee by Appointment of Substitute Trustees and Request to Act in accordance with the terms of the Deed of Trust, certify that on September 7, 2018, I signed a Notice of Substitute Trustee's Sale (the "Notice") prepared in accordance with the requirements of Section 51.002 of the Texas Property Code. I further certify that, on September 7, 2018, I instructed David Rusk, Esq. to post and file executed copies of the Notice in Jefferson County, Texas. I further certify that, on September 10, 2018, I directed Carmen Melton to seal, in an envelope for mailing, (i) a letter providing notice of Borrower's obligation to make the final payment of all outstanding due and owing amounts on the Note before the nonjudicial proceedings, together with (ii) a copy of the Notice; with such letter and Notice to be sent by certified mail, return receipt requested, and also by Federal Express, to all parties required by applicable law to receive the Notice, and I instructed Carmen Melton to send the letters described above on my behalf.

By:   
Name: Sam Murphy, Esq.  
Title: Substitute Trustee

Subscribed, sworn to and acknowledged before me, the undersigned authority, on September 10, 2018.



  
Notary Public in and for the State of Texas

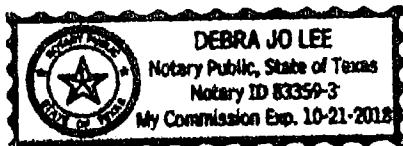
Affidavit of Filing and Posting

I, David Rusk, Esq. certify that at approximately 9 : 30 a.m. on September 10, 2018, I personally filed one of the Notices referenced in the above Affidavit of Notice Preparation in the County Clerk's Office of Jefferson County, Texas, and further certify that at approximately 9 : 36 a.m. on September 10, 2018, I personally posted a duplicate copy of the Notice at the place designated for posting nonjudicial foreclosure sales in Jefferson County, Texas.

By: D. Rusk  
Name: David Rusk, Esq.  
Title: Associate

Subscribed, sworn to and acknowledged before me, the undersigned authority, on September 10, 2018.

[SEAL]



Debra Jo Lee  
Notary Public in and for the State of Texas

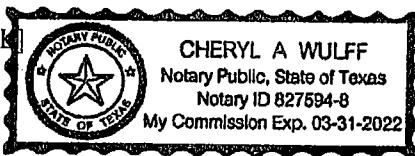
Affidavit of Mailing

I, Carmen Melton, certify that on September 10, 2018, I personally sealed all envelopes referenced in the above Affidavit of Notice Preparation and personally arranged to have delivered all such sealed Federal Express envelopes to a Federal Express drop-off point and personally arranged to have delivered all such sealed envelopes, certified mail, postage prepaid, return receipt requested, to a post office or other depository under the care and custody of the United States Postal Service or deposited such sealed envelopes in the United States Mail.

By: Carmen Melton  
Name: Carmen Melton  
Title: Secretary

Subscribed, sworn to and acknowledged before me, the undersigned authority, on September 10, 2018.

[SEAL]



Cheryl A. Wulff  
Notary Public in and for the State of Texas

**EXHIBIT "E"**

to that certain  
Substitute Trustee's Deed and Bill of Sale  
dated October 2, 2018

Exceptions to Deed

Taxes for the current year, tenants under unrecorded leases, and all easements, encumbrances, and other matters of record affecting the Port Arthur Property.

Exhibit "E"

Securitization: MSCI 2005-IQ9  
C-III Loan No.: 700201750

Borrower: GG&A Central Mall Partners, L.P.  
Property: 3100 Highway 365, Port Arthur, Texas 76642 (Central Mall Portfolio Port Arthur Property)